

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH HENSLEY,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:22-cv-241
)	
KLEINFELTER, et al,)	
)	
Respondents.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on July 29, 2022. Petitioner challenges the judgment of sentence imposed on him by the Court of Common Pleas of Warren County, Pennsylvania. The matter was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Respondents filed a motion to dismiss the petition arguing that the petition was untimely, unexhausted, and meritless. ECF No. 19.

On May 16, 2023, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the motion to dismiss be granted. ECF No. 31. Despite being given the time and opportunity to file objections to the Report and Recommendation, Petitioner filed none.

“If a party objects timely to a magistrate judge's report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *EEOC v. City of Long Branch*, 866

F.3d 93, 99 (3d Cir. 2017) *quoting* 28 U.S.C. § 636(b)(1). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Local Rule 72(D)(2).

After *de novo* review of the petition and filings in the case, together with the report and recommendation thereto, the following order is entered:

AND NOW, this 15th day of June 2023;

IT IS ORDERED that the motion to dismiss the petition [ECF No. 19] is granted. A Certificate of Appealability is denied.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on May 16, 2022 [ECF No. 31] is adopted as the opinion of the court. The Clerk of Court is directed to close this case.

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge